

## APPENDIX A

### **Federal Decisions Dismissing Actions Involving Foreign Aviation Accidents for *Forum Non Conveniens*, 1980-present**

#### **Supreme Court Decisions**

*Piper Aircraft v. Reyno*, 454 U.S. 235 (1981) (*forum non conveniens* dismissal of claims arising from airplane crash in Scotland in favor of litigation in Scotland)

#### **Circuit Court Decisions**

*In re Air Crash over the S. Indian Ocean on Mar. 8, 2014*, 946 F.3d 607 (D.C. Cir. 2020) (affirming *forum non conveniens* dismissal of claims arising from the disappearance of airplane in the Indian Ocean in favor of litigation in Malaysia), *aff'g In re Air Crash Over S. Indian Ocean*, 352 F. Supp. 3d 19 (D.D.C. 2018)

*Kolawole v. Sellers*, 863 F.3d 1361 (11th Cir. 2017) (affirming *forum non conveniens* dismissal of claims arising from airplane crash near Murtala Muhammed Airport in Nigeria in favor of litigation in Nigeria), *aff'g Onita-Olojo v. Sellers*, 2014 WL 1319304 (S.D. Fla. Mar. 31, 2014)

*Fortaner v. Boeing Co.*, 504 F. App'x 573 (9th Cir. 2013) (affirming *forum non conveniens* dismissal of claims arising from airplane crash in Spain in favor of litigation in Spain), *aff'g In re Air Crash at Madrid, Spain, on Aug. 20, 2008*, 893 F. Supp. 2d 1020 (C.D. Cal. 2011)

*Galbert v. W. Caribbean Airways*, 715 F.3d 1290 (11th Cir. 2013) (affirming *forum non conveniens* dismissal of claims arising from airplane crash in Venezuela in favor of litigation in Martinique), *aff'g In re W. Caribbean Airways*, 2012 WL 1884684 (S.D. Fla. May 16, 2012)

*Tazoe v. Airbus S.A.S.*, 631 F.3d 1321 (11th Cir. 2011) (affirming *forum non conveniens* dismissal of all claims arising from airplane crash in Sao Paulo in favor of litigation in Brazil except for one claim dismissed by district court *sua sponte* before that plaintiff could be heard on *forum non conveniens*), *aff'g in part Tazoe v. Aereas*, 2009 WL 3232908, at \*2–3 (S.D. Fla. Aug 24, 2009)

*Francois ex rel. Est. of Francois v. Hartford Holding Co.*, 424 F. App'x 138 (3d Cir. 2011) (affirming *forum non conveniens* dismissal of claims arising from airplane crash in the West Indies in favor of litigation in Dominica)

*Lleras v. Excelaire Servs. Inc.*, 354 F. App'x 585 (2d Cir. 2009) (affirming *forum non conveniens* dismissal of claims arising from airplane crash in the Amazon rainforest in favor of litigation in Brazil), *aff'g In re Air Crash Near Peixoto de Azeveda, Brazil, on Sept. 29, 2006*, 574 F. Supp. 2d 272 (E.D.N.Y. 2008)

*Pierre-Louis v. Newvac Corp.*, 584 F.3d 1052 (11th Cir. 2009) (affirming *forum non conveniens* dismissal of claims arising from airplane crash in Venezuela in favor of litigation in Martinique), *aff'g In re West Caribbean Airways, S.A.*, 619 F. Supp. 2d 1299 (S.D. Fla. 2007)

*King v. Cessna Aircraft Co.*, 562 F.3d 1374 (11th Cir. 2009) (affirming *forum non conveniens* dismissal of claims arising from airplane crash in Milan in favor of litigation in Italy), *aff'g King v. Cessna Aircraft Co.*, 2008 WL 276015 (S.D. Fla. Jan. 31, 2008)

*Clerides v. Boeing Co.*, 534 F.3d 623 (7th Cir. 2008), *aff'g In re Air Crash Near Athens, Greece on Aug. 14, 2005*, 479 F. Supp. 2d 792 (N.D. Ill. 2007) (affirming *forum non conveniens* dismissal of claims arising from airplane crash near Athens in favor of litigation in Greece)

*Van Schijndel v. Boeing Co.*, 263 F. App'x 555 (9th Cir. 2008) (affirming *forum non conveniens* dismissal of claims from airplane crash in Taipei, Taiwan in favor of litigation in Singapore), *aff'g Van Schijndel v. Boeing Co.*, 434 F. Supp. 2d 766 (C.D. Cal. 2006)

*Lueck v. Sundstrand Corp.*, 236 F.3d 1137 (9th Cir. 2001) (affirming *forum non conveniens* dismissal of claims arising from airplane crash in New Zealand in favor of litigation in New Zealand)

*Satz v. McDonnell Douglas Corp.*, 244 F.3d 1279 (11th Cir. 2001) (affirming *forum non conveniens* dismissal of claims arising from airplane crash near Nuevo Berlin, Uruguay in favor of litigation in Argentina)

*Leon v. Millon Air, Inc.*, 251 F.3d 1305 (11th Cir. 2001) (affirming with conditions *forum non conveniens* dismissal of claims arising from airplane crash near Manta, Ecuador in favor of litigation in Ecuador)

*Gschwind v. Cessna Aircraft Co.*, 161 F.3d 602 (10th Cir. 1998) (affirming *forum non conveniens* dismissal of claims arising from airplane crash near Cannes in favor of litigation in France)

*Magnin v. Teledyne Cont'l Motors*, 91 F.3d 1424 (11th Cir. 1996) (affirming *forum non conveniens* dismissal of claims arising from airplane crash in France in favor of litigation in France)

*Phillips v. China Airlines, Ltd.*, 985 F.2d 573 (9th Cir. 1993) (affirming *forum non conveniens* dismissal of claims arising from airplane crash in Taiwan in favor of litigation in Taiwan)

*De Aguilar v. Boeing Co.*, 11 F.3d 55 (5th Cir. 1993) (affirming *forum non conveniens* dismissal of claims against arising from airplane crash in Mexico in favor of litigation in Mexico), *aff'g Torreblanca de Aguilar v. Boeing Co.*, 806 F. Supp. 139 (E.D. Tex. 1992)

*Baumgart v. Fairchild Aircraft Corp.*, 981 F.2d 824 (5th Cir. 1993) (affirming *forum non conveniens* dismissal of claims arising from airplane crash near Kettwig, Germany in favor of litigation in Germany), *aff'g Baumgart v. Fairchild Aircraft Corp.*, 1991 WL 487242 (W.D. Tex. Sept. 30, 1991)

*Nolan v. Boeing Co.*, 919 F.2d 1058 (5th Cir. 1990) (affirming *forum non conveniens* dismissal of claims arising from airplane crash in England in favor of litigation in the United Kingdom), *aff'g Nolan v. Boeing Co.*, 762 F. Supp. 680 (E.D. La. 1989)

*Zipfel v. Halliburton Co.*, 832 F.2d 1477 (9th Cir. 1987) (affirming *forum non conveniens* dismissal of claims arising from airplane crash at Simpang Tiga Airport in Indonesia in favor of litigation in Indonesia), *amended on other grounds*, 861 F.2d 565 (9th Cir. 1988)

*Kryvicky v. Scandinavian Airlines System*, 807 F.2d 514 (6th Cir. 1986) (affirming *forum non conveniens* dismissal of claims arising from airplane crash near Madrid in favor of litigation in Spain)

*Ahmed v. Boeing Co.*, 720 F.2d 224 (1st Cir. 1983) (affirming conditional *forum non conveniens* dismissal of claims arising from airplane crash near Jeddah, Saudi Arabia in favor of litigation in Saudi Arabia or Pakistan)

*Cheng v. Boeing Co.*, 708 F.2d 1406 (9th Cir. 1983) (affirming *forum non conveniens* dismissal of claims arising from airplane crash in Taiwan in favor of litigation in Taiwan), *aff'g Nai-Chao v. Boeing Co.*, 555 F. Supp. 9 (N.D. Cal. 1982)

*Miskow v. Boeing Co.*, 664 F.2d 205 (9th Cir. 1981) (affirming *forum non conveniens* dismissal of claims arising from airplane crash at Cranbrook Airport in Canada in favor of litigation in Canada)

*Pain v. United Tech. Corp.*, 637 F.2d 775 (D.C. Cir. 1980) (affirming *forum non conveniens* dismissal of claims arising from helicopter crash in the North Sea off the coast of Norway in favor of litigation in Norway), *overruled in part Piper Aircraft v. Reyno*, 454 U.S. 235 (1981)

*Dahl v. United Tech. Corp.*, 632 F.2d 1027 (3d Cir. 1980) (affirming *forum non conveniens* dismissal of claims arising from helicopter crash in the North Sea off the coast of Norway in favor of litigation in Norway)

### **District Court Decisions**

*Siswanto v. Airbus Americas, Inc.*, 2016 WL 7178460 (N.D. Ill. Dec. 9, 2016) (dismissal under *forum non conveniens* of claims arising from airplane crash in the Java Sea near Borneo, Indonesia in favor of litigation in Indonesia)

*Harp v. Airblue Ltd.*, 879 F. Supp. 2d 1069 (C.D. Cal. 2012) (dismissal under *forum non conveniens* of claims arising from airplane crash near Islamabad, Pakistan in favor of litigation in Pakistan)

*In re Air Crash Over the Mid-Atlantic on June 1, 2009*, 760 F. Supp. 2d 832 (N.D. Cal. 2010) (dismissing under *forum non conveniens* claims arising from airplane crash in the Atlantic Ocean (en route from Rio de Janeiro to Paris) in favor of litigation in France); *see also In re Air Crash Over the Mid-Atlantic*, 792 F. Supp. 2d 1090 (N.D. Cal. 2011) (dismissing re-filed claims under *forum non conveniens*)

*In re Air Crash Disaster Over Makassar Strait*, 2011 WL 91037 (N.D. Ill. Jan. 11, 2011) (dismissing under *forum non conveniens* claims arising from disappearance of airplane over Makassar Strait, en route from Java to Sulawesi in favor of litigation in Indonesia)

*Pettitt v. Boeing Co.*, 2010 WL 3861066 (N.D. Ill. Sept. 28 2010) (dismissing under *forum non conveniens* claims arising from airplane crash near Douala, Cameroon in favor of litigation in Cameroon); *see also Claisse v. Boeing Co.*, 2010 WL 3861073 (N.D. Ill. Sept. 28, 2010) (same); *Patricia v. Boeing Co.*, 2010 WL 3861077 (N.D. Ill. Sept. 28, 2010) (same)

*Can v. Goodrich Pump & Engine Control Systems, Inc.*, 711 F. Supp. 2d 241 (D. Conn. 2010) (dismissing under *forum non conveniens* claims arising from helicopter crash in Antalya, Turkey in favor of litigation in Turkey)

*Vorbiev v. McDonnell Douglas Helicopters, Inc.*, 2009 WL 1765675 (N.D. Cal. June 18, 2009) (dismissing under *forum non conveniens* claims arising from helicopter crash in Uvat, Tyumen in the Russian Federation in favor of litigation in Russia)

*Navarrete De Pedrero v. Schweizer Aircraft Corp.*, 635 F. Supp. 2d 251 (W.D.N.Y. 2009) (dismissing under *forum non conveniens* claims arising from helicopter crash in Ciudad Juarez, Mexico in favor of litigation in Mexico)

*Melgares v. Sikorsky Aircraft Corp.*, 613 F. Supp. 2d 231 (D. Conn. 2009) (dismissing under *forum non conveniens* claims arising from helicopter crash near Tenerife, Spain in favor of litigation in Spain)

*Esheva v. Siberia Airlines*, 499 F. Supp. 2d 493 (S.D.N.Y. 2007) (dismissing under *forum non conveniens* claims arising from airplane crash in Moscow in favor of litigation in Russia)

*In re Air Crash Near Athens, Greece on Aug. 14, 2005*, 479 F. Supp. 2d 792 (N.D. Ill. 2007) (dismissing under *forum non conveniens* claims arising from airplane crash near Athens, Greece in favor of litigation in Cyprus or Greece)

*Da Rocha v. Bell Helicopter Textron, Inc.*, 451 F. Supp. 2d 1318 (S.D. Fla. 2006) (dismissing under *forum non conveniens* claims arising from helicopter crash in the Amazon rainforest in Brazil in favor of litigation in Brazil)

*Gambra v. Int'l Lease Fin. Corp.*, 377 F. Supp. 2d 810 (C.D. Cal. 2005) (dismissing under *forum non conveniens* claims arising from airplane crash in the Red Sea (en route to Paris) in favor of litigation in France)

*Faat v. Honeywell Int'l, Inc.*, 2005 WL 2475701 (D.N.J. Oct. 5, 2005) (dismissing under *forum non conveniens* claims arising from mid-air collision of airplanes over Überlingen, Germany (one en route from Moscow to Barcelona) in favor of litigation in Spain)

*In re Air Crash Over Taiwan Straits on May 25, 2002*, 331 F. Supp. 2d 1176 (C.D. Cal. 2004) (dismissing under *forum non conveniens* claims arising from airplane crash in Taiwanese waters (en route from Taipei to Hong Kong) in favor of litigation in Taiwan)

*Zermenio v. McDonnell Douglas Corp.*, 246 F. Supp. 2d 646 (S.D. Tex. 2003) (dismissing under *forum non conveniens* claims arising from airplane crash in Reynosa, Mexico in favor of litigation in Mexico)

*Helog Ag v. Kaman Aerospace Corp.*, 228 F. Supp. 2d 91 (D. Conn. 2002) (dismissing under *forum non conveniens* claims arising from helicopter crash in Germany in favor of litigation in Germany)

*Kern v. Jeppesen Sanderson, Inc.*, 867 F. Supp. 525 (S.D. Tex. 1994) (dismissing, in part under *forum non conveniens*, claims arising from two different airplane crashes northeast of Kathmandu, Nepal, in favor of litigation in Nepal, Pakistan, Thailand, Germany, Great Britain, the Netherlands, or Spain)

*Martino v. Viacao Aerea Riograndense*, 1991 WL 13886 (E.D. La. 1991) (dismissing under *forum non conveniens* claims arising from airplane crash in the Amazon rainforest in favor of litigation in Brazil)

*Jennings v. Boeing Co.*, 660 F. Supp. 796 (E.D. Pa.), *order amended on denial of reconsideration*, 677 F. Supp. 803 (E.D. Pa. 1987), *aff'd*, 838 F.2d 1206 (3d Cir. 1988) (dismissing under *forum non conveniens* claims arising from helicopter crash off the coast of Scotland in favor of litigation in England or Scotland)

*Chhawchharia v. Boeing Co.*, 657 F. Supp. 1157 (S.D.N.Y. 1987) (dismissing under *forum non conveniens* claims arising from airplane crash near Tokyo, Japan in favor of litigation in India)

*Rubenstein v. Piper Aircraft Corp.*, 587 F. Supp. 460 (S.D. Fla. 1984) (dismissing under *forum non conveniens* claims arising from airplane crash in West Germany in favor of litigation in West Germany)

*In re Air Crash Disaster Near Bombay, India on Jan. 1, 1978*, 531 F. Supp. 1175 (W.D. Wash. 1982) (dismissing under *forum non conveniens* claims arising from airplane crash in the Amazon rainforest in favor of litigation in Brazil).

*In re Disaster at Riyadh Airport, Saudi Arabia, on Aug. 19, 1980*, 540 F. Supp. 1141 (D.D.C. 1982) (dismissing under *forum non conveniens* claims arising from in-flight fire of airplane near Riyadh, Saudi Arabia in favor of litigation in Saudi Arabia or the plaintiffs' separate domiciles)

*Grodinsky v. Fairchild Industries, Inc.*, 507 F. Supp. 1245 (D. Md. 1981) (dismissing under *forum non conveniens* claims arising from airplane crash in Quebec, Canada in favor of litigation in Canada)

*Fosen v. United Tech. Corp.*, 484 F. Supp. 490 (S.D.N.Y.), *aff'd*, 633 F.2d 203 (2d Cir. 1980) (dismissing under *forum non conveniens* claims arising from helicopter crash in the North Sea off the cost of Norway in favor of litigation in Norway)